



# **2012 ANNUAL TOWN MEETING MOTIONS**

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## 2012 ANNUAL TOWN MEETING MOTIONS

### REPORTS

<b>ARTICLE 1:</b>	<b>Acceptance of Town Reports</b>	<i>Majority Vote Required</i>
<b>Motion:</b>	That the Town accept the reports of town officers, boards and committees for the fiscal year 2011.	
<i>Selectmen recommend</i>		

### FINANCIAL - FISCAL YEAR 2012

<b>ARTICLE 2:</b>	<b>Fiscal Year 2012 Supplemental Appropriations</b>	<i>Majority Vote Required</i>
<b>Motion:</b>	That the Town appropriate from Free Cash the sum of \$72,000 (SEVENTY TWO THOUSAND DOLLARS) in order to supplement the following Fiscal Year 2012 Operating Budgets:	
	151 Legal Services (Expenses)	\$60,000
	543 Veterans Services (Expenses)	\$12,000
<i>Selectmen recommend and Finance Committee recommends</i>		

<b>ARTICLE 3:</b>	<b>Fiscal Year 2012 Budget Transfers</b>	<i>Majority Vote Required</i>
<b>Motion:</b>	That the Town dismiss Article 3.	
<i>Selectmen and Finance Committee recommend dismissal</i>		

<b>ARTICLE 4:</b>	<b>Unpaid Bills from Previous Fiscal Year(s)</b>	<i>Majority Vote Required</i>
<b>Motion:</b>	That the Town dismiss Article 4.	
<i>Selectmen and Finance Committee recommend dismissal</i>		

### FINANCIAL - FISCAL YEAR 2012

<b>ARTICLE 5:</b>	<b>Authorization to Accept Settlements</b>	<i>Majority Vote Required</i>
<b>Motion:</b>	That the Town authorize the Board of Selectmen to settle the Town’s claims upon such terms and conditions as the Board deems in the best interests of the Town, or take any other action relative thereto.	
<i>Selectmen and Finance Committee to make recommendation on Town Meeting floor</i>		

<b>ARTICLE 6: Perchlorate Stabilization Fund and Perchlorate Expenses</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town transfer the sum of \$250,000 (TWO HUNDRED FIFTY THOUSAND DOLLARS) an amount paid to the Town in settlement of claims against the blasting contractor in connection with the Town's highway garage project, from the general fund to the Perchlorate Stabilization Fund.

*And further*

That the Town appropriate the amount of \$200,000 (TWO HUNDRED THOUSAND DOLLARS) from the Perchlorate Stabilization Fund for the purpose of providing funds to address associated issues regarding perchlorate contamination.

*Selectmen and Finance Committee to make recommendation on Town Meeting floor*

<b>ARTICLE 7: Capital Appropriations for Fiscal Year 2012</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town appropriate from Water Enterprise Free Cash the sum of \$145,364 (ONE HUNDRED FORTY FIVE THOUSAND THREE HUNDRED SIXTY FOUR DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Water Department	\$85,364	Purchase of dump truck and any other related costs
Water Department	\$30,000	Replace supervisory control and data acquisition (SCADA) system software and any other related costs
Water Department	\$30,000	On-line turbidity monitoring equipment and any other related costs

*Selectmen recommend and Finance Committee recommends*

<b>ARTICLE 8: Testing, Repairing, and Replacement of Large Capacity Water Meters</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town transfer \$180,990.56 (ONE HUNDRED EIGHTY THOUSAND NINE HUNDRED NINETY DOLLARS AND FIFTY SIX CENTS) from the following accounts:

Upgrade Water Main Byrne Ave – Article 12, 2008 ATM	173,591.05
Stepinski Land – Article 29, 2008 ATM	584.62
Country Road Well – Article 6, 2009 STM	6,814.89

to provide for the testing, repairing, and replacement of large capacity water meters and any other related cost.

*Selectmen recommend and Finance Committee recommends*

## **COMMUNITY PRESERVATION FUNDS**

<b>ARTICLE 9: Community Preservation Committee Recommendations</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town, pursuant to Massachusetts General Laws, Chapter 44B, or any other enabling authority, in accordance with the recommendations of the Westford Community Preservation Committee, appropriate from Community Preservation Funds the sum of \$1,170,006 (ONE MILLION ONE HUNDRED SEVENTY THOUSAND SIX DOLLARS) as follows:

\$183,743	From Undesignated Fund Balance To the Community Housing Reserve This allocation more than covers the required 10% for Community Housing	Community Housing Reserve
\$95,143	From Undesignated Fund Balance To the Historic Resources Reserve This allocation more than covers the required 10% for Historical Resources	Historic Resources Reserve
\$190,000	From Undesignated Fund Balance To the Conservation Trust Fund for future land purchases and any other related costs.	Conservation Commission
\$8,635	From Undesignated Fund Balance To the Nabnasset Lake Preservation Association in order to control and treat the invasive and nuisance aquatic vegetation in Nabnasset Lake and any other related costs.	Nabnasset Lake Preservation Association
\$261,885	From Community Housing Fund Balance To the Affordable Housing Trust for the creation, preservation, support, rehabilitation or restoration of affordable housing and any other related costs.	Affordable Housing Trust
\$300,000	From Undesignated Fund Balance For the Residences at Stony Brook Phase II to supplement the creation of 36 additional affordable units and any other related costs.	Common Ground Development Corporation
\$18,000	From Historic Resources Fund Balance For the feasibility and design of fire protection improvements for town owned buildings leased by the	Historical Commission

	Roudenbush Community Center, Inc. located at 73 Main Street and 170 Plain Road and any other related costs.	
\$73,000	From Historic Resources Fund Balance  For the design and installation of fire protection improvements for the Roudenbush Community Center, Inc. located at 65 Main Street and any other related costs.	Historical Commission
\$39,600	From Undesignated Fund Balance  For the purpose of hiring a consultant to provide Historical Preservation Planning Support and any other related costs in accordance with Community Preservation Association regulations.	Historical Commission

*Selectmen recommend and Finance Committee recommends*

### **FINANCIAL - FISCAL YEAR 2013**

<b>ARTICLE 10: Fiscal Year 2013 Operating Budget</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town appropriate the sum of \$94,516,030 (NINETY FOUR MILLION FIVE HUNDRED SIXTEEN THOUSAND THIRTY DOLLARS) for the operation and maintenance of Town Departments for the Fiscal Year July 1, 2012 through June 30, 2013, such sums to be expended for such purposes under the direction of the respective town officers, boards and committees and further that all items be raised and appropriated except for the following:

Fund 240 Community Preservation Fund: \$891,266 shall be appropriated from Community Preservation Fund Fiscal 2013 Revenue;

Fund 270 Receipts Reserved for Appropriation: \$18,720 shall be appropriated from Conservation Wetlands Fees and \$20,288.86 shall be appropriated from Insurance Recovery;

Fund 280 Town Revolving Funds: \$6,100 shall be appropriated from Recycling Revolving 53 E ½, \$42,000 shall be appropriated from Recreation Field Maintenance Revolving 53 E ½, and \$10,000 shall be appropriated from Town Insurance Recovery;

Fund 600 Water Enterprise Fund: \$3,528,098 shall be appropriated from Water Enterprise Revenue and \$255,296 shall be appropriated from Water Enterprise Free Cash;

Fund 630 Recreation Enterprise Fund: \$985,000 shall be appropriated from Recreation Enterprise Revenue;

Fund 640 Ambulance Enterprise Fund: \$594,383 shall be appropriated from Ambulance Enterprise Revenue.

*Selectmen recommend and Finance Committee recommends*

<b>ARTICLE 11: Property Tax Exemption Increase by 100% for the Blind, Elderly and for Disabled Veterans</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town accept the provisions of [Massachusetts General Laws Chapter 73, Section 4](#) of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, by providing for additional property tax exemptions for qualified residents who may be blind, elderly, surviving spouses or minors, or who are disabled veterans, and to continue the present percentage increase of 100%.

*Selectmen recommend and Finance Committee recommends*

<b>ARTICLE 12: Revolving Funds</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town re-authorize revolving funds for the Fiscal Year July 1, 2012 - June 30, 2013, under the provisions of [Massachusetts General Laws Chapter 44, Section 53E ½](#) for the following:

Revolving Account	Spending Authority	Revenue Source	Allowed Expenses	Expenditure Limits	Year End Balance
Lease of Town Buildings: 65 & 73 Main St 170 Plain Rd	Board of Selectmen	Lease payment and other revenues from leased properties	Costs associated with maintenance, repairs and improvements to the leased properties	\$550,000	Available for expenditure next year
Recycling Revolving	Recycling Commission	Sale of bins	Purchase of recycling supplies	\$20,000	Available for expenditure next year
Recreation Field Maintenance	Recreation Commission	Field user fees/permits	Field maintenance, hiring of necessary personnel and consulting services	\$150,000	Available for expenditure next year
Senior Center Fitness Room	Council on Aging	Fees and gifts received for the Fitness Room	Fitness room maintenance supplies, equipment warranties, training, monitoring and purchase of replacement fitness equipment	\$75,000	Available for expenditure next year



School Parking	School Department	Parking fees	Maintenance and expansion of parking facilities	\$30,000	Available for expenditure next year
School Bus/Transportation	School Department	User bus fees	Student transportation costs	\$564,747	Available for expenditure next year
East Boston Camps Maintenance	Conservation Commission	Revenue received for the lease, rental or licensing of camp facilities and donations received for the support of the East Boston Camps property	Costs associated for the operation and maintenance of the East Boston Camps property	\$50,000	Available for expenditure next year

*Selectmen recommend and Finance Committee recommends*

**ARTICLE 13: Highway Department Chapter 90 Funds**

*Majority Vote Required*

**Motion:** That the Town appropriate any amount received by the Town under the provisions of [Massachusetts General Laws Chapter 90](#) for the purposes of repair, construction, maintenance and preservation of the town roads and bridges and other related costs which qualify under the State Aid to Highways Guidelines adopted by the Massachusetts Highway Authority.

*Selectmen recommend and Finance Committee recommends*

**ARTICLE 14: Bruce Freeman Rail Trail Parking**

*Majority Vote Required*

**Motion:** That the Town raise and appropriate the sum of \$5,000 (FIVE THOUSAND DOLLARS) for surveying and other technical work to develop parking in the Town of Westford for the Bruce Freeman Rail Trail.

*Selectmen recommend dismissal*

**ARTICLE 15: Bruce Freeman Rail Trail Parking – Citizen’s Petition**

*Majority Vote  
Required*

**Motion:** That the Town raise and appropriate a sum of \$5,000 (FIVE THOUSAND DOLLARS) for surveying and/or any other technical work to help develop parking in the Town of Westford for the Bruce Freeman Rail Trail.

**\*Petitioner will present the following amended motion:** *That the Town will vote to accept a donation of up to \$5000 from the Friends of the Bruce Freeman Rail Trail, Inc. for the surveying and other technical work to develop of up to two (2) small, unpaved, unlit parking areas*

*adjacent to the Bruce Freeman Rail Trail in Westford and that the Town makes use of State-funded design money allocated in the Bruce Freeman Rail Trail Phase 2A design contract for the purpose of designing up to two (2) parking areas adjacent to Bruce Freeman Rail Trail in Westford.*

*Selectmen recommend with amendment*

<b>ARTICLE 16: Transfer Custody of Parcel 86 Map 7 (Acton Road Parcel) From Tax Possession Sale Committee to the Parks and Recreation Commission</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town transfer the care, custody, control and management of a parcel of land located along Acton Road identified as Parcel 86 on Westford Assessors' Map 7, from the Tax Possession Sale Committee, presently held for the purpose of tax title sale, to the Parks and Recreation Commission for purposes set forth under Massachusetts General Law Chapter 45.

**\*Parks and Recreation Commission will make an amendment to add the following language to the end of the motion: "and not for parking purposes"**

*Selectmen recommend with amendment*

<b>ARTICLE 17: Transfer Custody of Parcel 86 Map 7 (Acton Road Parcel) From Tax Possession Sale Committee to the Parks and Recreation Commission – Citizen's Petition</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town transfer the care, custody, control, and management of a parcel of Town land located near Acton Road identified as Parcel 86 on Westford's Assessors' Map 7, from the Tax Possession Sale Committee presently held for the purpose of tax title sale to the Park and Recreation Commission to be held for recreation purposes.

*Selectmen recommend dismissal*

<b>ARTICLE 18: Cease All Planning or Development of Public Parking Areas in Residential Zoned Parts of The Town Within 1.0 Mile of the Bruce Freeman Rail Trail – Citizen's Petition</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town cease all planning or development of public parking areas in residential zoned parts of the town within 1.0 mile of the Bruce Freeman Rail Trail until a documented need is established and safety issues are adequately addressed. A documented need will include, but not be limited to: numerical data on the number of Westford residents versus out-of-town residents projected

to use the parking area; a detailed cost versus benefit analysis that shows monetary and other benefit to the citizens of Westford; and inclusion of the considered public parking areas in the final and fully accepted Phase II BFRT Development Plan. Safety issues that need to be addressed and satisfied include, but are not limited to: pedestrian, bicycle and vehicular traffic; crime (both opportunistic and contemplated), and collection and disposal of trash within the parking area.

*Selectmen do not recommend*

### **CAPITAL APPROPRIATIONS - FISCAL YEAR 2013**

#### **ARTICLE 19: Capital Appropriations for Fiscal Year 2013**

**First Motion:**

*(Majority Vote Required)*

That the Town raise and appropriate the sum of \$826,972 (EIGHT HUNDRED TWENTY SIX THOUSAND NINE HUNDRED SIXTY TWO DOLLARS) to provide for the following capital requests:

<i>DEPARTMENT</i>	<i>AMOUNT</i>	<i>PURPOSE</i>
Town Manager	\$35,000	Town computer network server enclosure improvements in the IT facility and any other related costs
Town Manager	\$38,000	Police station HVAC efficiency upgrade and any other related costs
Technology	\$200,000	Infrastructure and computer plan project and any other related costs
Technology	\$85,472	Phone system upgrade and any other related costs
Police	\$110,000	Three police cruisers and any other related costs
Police	\$20,000	Four truck scales and any other related costs
Fire	\$69,000	Rehab Engine #3 and any other related costs
School	\$71,500	Point of sale system for food service and any other related costs
School	\$50,000	Architectural design study for Day School and Robinson School windows and any other related costs
School	\$38,000	One-ton truck and any other related costs
Highway	\$90,000	Two one-ton trucks and any other related costs
Library	\$20,000	Town match for \$40K state planning and design grant and other related costs

**Second Motion:**

*(2/3 Majority Vote Required)*

That the Town appropriate the sum of \$225,000 (TWO HUNDRED TWENTY FIVE THOUSAND DOLLARS) for the purchase of an ambulance for the Ambulance Enterprise including costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to [Massachusetts General Laws Chapter 44 Section 7 or 8](#), or any other enabling authority, and to issue bonds or notes of the Town therefor;

*And further*

That the Town appropriate the sum of \$90,000 (NINETY THOUSAND DOLLARS) for the purchase of a boiler for the Abbot School including costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to [Massachusetts General Laws Chapter 44 Section 7 or 8](#), or any other enabling authority, and to issue bonds or notes of the Town therefor;

*And further*

That the Town raise and appropriate the sum of \$171,528 (ONE HUNDRED SEVENTY ONE THOUSAND FIVE HUNDRED TWENTY EIGHT DOLLARS) and transfer said amount to the capital stabilization fund.

*Selectmen recommend and Finance Committee recommends*

<b>ARTICLE 20:</b>	<b>Westford Academy Bleachers – Citizen’s Petition</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town appropriate the sum of \$475,000 (FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS) for the installation of new bleachers at the Westford Academy’s Trustee Field at Alumni Stadium including costs incidental thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Sections 7 or 8 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

*Selectmen recommend and Finance Committee does not recommend*

<b>ARTICLE 21:</b>	<b>Water Distribution System Improvements – Route 110 Water Main Replacement – Boston Road to Nixon Road and Nixon Road to Saint Mary’s Drive</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town appropriate the sum of \$550,000 (FIVE HUNDRED FIFTY THOUSAND DOLLARS) to be expended at the direction of the Water Commissioners, for the purpose of making water system improvements on Route 110 from Boston Road to Nixon Road, including all costs incidental and related thereto; and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Sections 7 or 8 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor;

*And further*

That the Town appropriate the sum of \$750,000 (SEVEN HUNDRED FIFTY THOUSAND DOLLARS) to be expended at the direction of the Water Commissioners, for the purpose of making water system improvements on Route 110 from Nixon Road to Saint Mary's Drive, including all costs incidental and related thereto, and that to meet this appropriation, the Town Treasurer, with the approval of the Board of Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44 Sections 7 or 8 of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefor.

*Selectmen recommend and Finance Committee recommends*

### **ADMINISTRATIVE**

<b>ARTICLE 22:</b>	<b>Approve The Amendment to Admit The Town of Ayer to The Nashoba Valley Technical School District</b>	<i>Majority Vote Required</i>
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**Motion:** That the town accept the proposal of the Regional District School Committee passed on October 11, 2011, to amend the agreement establishing the Nashoba Valley Technical High School District as amended.

*Selectmen recommend and Finance Committee recommends*

<b>ARTICLE 23:</b>	<b>Change Permitted Parking Along Connell Drive and Main Street – Citizen's Petition</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town allow for continuous parking along the inner island of Connell Drive and remove the "15 Minute Parking" signs in front of the JV Fletcher Library and remove the "15 Minute Town Hall" parking signs across the street from Town Hall.

*Selectmen do not recommend*

<b>ARTICLE 24: Authority For Board of Selectmen to Accept Easements</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town authorize the Board of Selectmen, during Fiscal Year 2013, to accept any and all easements for sidewalk, drainage, or other utility purposes, as they may deem in the Town's best interests.

*Selectmen recommend*

<b>ARTICLE 25: Establish a "Drop" Box Policy – Citizen's Petition</b>	<i>Majority Vote Required</i>
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**Motion:** Be it resolved, that the Town meeting directs the Board of Selectmen and other appropriate committees to establish a policy, bylaw or enforce an existing bylaw, to govern the placement and maintenance of outdoor "drop" boxes in areas of public access for the purpose of maintaining safe and clean sidewalks and streets. "Drop" box shall mean any box, container or device that is placed in an area of public access on a temporary or permanent basis, including devices designed to collect, distribute or sell any item. "Drop" boxes should be properly maintained in a clean, neat, and attractive condition and in good repair at all times. Consideration shall be given to the potential visual impact on a historic district taking into account the proposed location of the "Drop" box, the exterior design, color and signage on the "drop" box.

*Selectmen recommend*

<b>ARTICLE 26: Naming of Westford Academy Main Gymnasium Basketball Court in Recognition of Ed Scollan</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town name the basketball court within the main gymnasium at Westford Academy the "Edward J. Scollan Basketball Court" in recognition of his outstanding dedication to the student-athletes at Westford Academy over his 36 year career.

*Selectmen recommend*

<b>ARTICLE 27: Naming of Blanchard Middle School Auditorium in Memory of Katie Enos</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town name the auditorium at the Blanchard Middle School the "Katie Enos Auditorium" in memory of a talented and extremely generous young woman who in her short life of fourteen years was able to make a significant impact on her peers and with her organ donation was able to positively impact several other lives.

*Selectmen recommend*

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<b>ARTICLE 28: Request to Appoint Ad Hoc Committee to Rename Stepinski and East Boston Camps Parcels – Citizen’s Petition</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town direct the Board of Selectmen to appoint an ad hoc committee charged with renaming the town owned parcels of land and camps now known as Stepinski/East Boston Camps with a new name which reflects the Town of Westford’s ownership of this property. It is envisioned that this process would involve a town-wide survey and/or contest that could also raise the public awareness and support of this property.

*Selectmen do not recommend*

**GENERAL BYLAW AMENDMENTS**

<b>ARTICLE 29: Amendments to Chapter 33: Legal Affairs</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town amend Section 33.2 of the Town’s General Bylaws, titled “Authority to settle certain claims”, by deleting the words “subject to approval of the Town” in the first sentence and by deleting the second sentence in its entirety, such that the section will read “The Selectmen may settle or compromise any claim, action, suit or other proceeding made or instituted by them on behalf of the Town. Subject to appropriation therefor, they may settle any claim, action, suit or other proceeding against the Town”, or take any other action relative thereto.

*Selectmen recommend and Finance Committee to make recommendation on Town Meeting floor*

<b>ARTICLE 30: Amendments to Chapter 90: Earth Removal Bylaw</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town amend Section 90.2 of the General Bylaws (Earth Removal - Exemptions), to add a new paragraph G as follows:

- G. No permit shall be required for the removal of not more than 100 cubic yards of earth material from a parcel of land, where the material to be removed is displaced due to the construction of a residential structure and/or the installation of any driveways, roadways, retaining walls and utilities to serve such structure.

**Planning Board will make amendment to change the threshold for the Planning Board Special Permit process from 100 cubic yards to 500 cubic yards by inserting the number “500” in place of the number “100” in the motion.**

*Selectmen to make recommendation on Town Meeting floor and Planning Board recommends with amendment*

## ZONING BYLAW AMENDMENTS

<b>ARTICLE 31:</b>	<b>Amendments to Appendix C, Table of Dimensional &amp; Density Regulations; Upland Requirement For Residential Lots</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town amend Chapter 173 Appendix C, Table of Dimensional & Density Regulations of the Westford Zoning Bylaw: (Note: added words are shown in **bold and underlined**, deleted words are shown in ~~striketrough~~. Only subsections that have proposed changes are included below):

### **Notes for Table of Dimensional and Density Regulations**

3. For new residential lots, at least seventy-five (75) percent of the required minimum lot area shall be dry land; that is not **wetlands as defined herein and is not** in the Floodplain **Overlay District as** ~~Zone, whose boundaries are described in Sec. 173 14. B. and 173 16.B~~ **Section 8.2.**

*Selectmen recommend and Planning Board recommends*

<b>ARTICLE 32:</b>	<b>Amend Chapter 173, the Westford Zoning Bylaw, Definitions</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town amend Chapter 173, the Westford Zoning Bylaw, Definitions as follows: (Note: deleted words are shown in ~~striketrough~~. Only subsections that have proposed changes are included below):

~~Wetlands: Bogs, swamps, sometimes temporary or intermittent, characterized by muck or by the existence of plant communities which require the presence of water at or near ground surface for a major portion of the year, all as set forth in G.L. c. 131, s. 40, as may be amended.~~

Wetlands: Land subject to the provisions of G.L. c. 131, ss. 40 and 40A. and subject to the Westford Non-Zoning Wetlands Bylaw.

*Selectmen recommend Planning Board recommends*

<b>ARTICLE 33:</b>	<b>Amend Chapter 173, to Change "Building Inspector" to "Building Commissioner"</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the Town amend Chapter 173, the Westford Zoning Bylaw, to replace the term "Building Inspector" with the term "Building Commissioner" in every location that it appears in the Bylaw, listed as follows:



Table of Contents for Section 9.1.1; Sections 2.2.2.4; 3.6.5; 3.6.6; 5.1.4 (appears twice); 5.2.6.3; 6.3.3.4; 6.3.3.5; 7.1.8.2.d; 8.1.8.2; 8.2.2; 8.2.6.1; 8.5.7; 9.1.1 (appears three times); 9.1.3; 9.4.3.2; and Definitions: Certificate of Use and Occupancy.

*Selectmen recommend and Planning Board recommends*

<b>ARTICLE 34: Amendments to Section 9.3, 9.4, and 10.2 – Citizen’s Petition</b>	<i>2/3 Majority Vote Required</i>
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**First Motion:** That the Town amend Section 9.3 of the Zoning Bylaw as follows:  
Modify Section 9.3 Special Permit as follows:

FIRST, add a new section 9.3.9 entitled “Modification to Special Permit Site Plans” as follows:

**9.3.9 Modification to Special Permit Site Plans.** Proposed revisions, amendments or modifications to a Site Plan which has been approved by, or in conjunction with, the grant of a special permit may be approved by the Planning Board in accordance with the procedures set forth in Section 9.4.12 without having to amend the special permit provided that the proposed amended site plan does not: (1) increase the amount of impervious area; (2) increase the overall approved square footage of land or structures; (3) reduce the overall approved percentage of open space; (4) alter the boundaries of the land area shown on the site plan; or (4) constitute a change in use as defined in Section 9.4.1.3.

Modify Section 9.3A Special Permit Performance Standards for Major Commercial Projects and Major Retail Projects as follows:

FIRST, add a new section 9.3A.9 entitled “Modification to Special Permit Approval for a Major Commercial Project and Major Retail Projects” as follows:

**9.3A.9 Modification to Special Permit Approval for a Major Commercial Project and Major Retail Projects.** Proposed revisions, amendments or modifications to a site plan which has been approved by, or in conjunction with, the grant of a special permit may be approved by the Planning Board in accordance with the procedures set forth in Section 9.4.12 without having to amend the special permit provided that the proposed amended site plan does not: (1) increase the amount of impervious area; (2) increase the overall approved square footage of land or structures; (3) reduce the overall approved percentage of open space;

(4) alter the boundaries of the land area shown on the site plan; or (4) constitute a change in use as defined in Section 9.4.1.3.

*And further*

That the Town amend 9.4 of the Zoning Bylaw as follows:

Modify Section 9.4 Site Plan Review as follows:

FIRST, modify Section 9.4.1 to include a new subsection as follows:

“3. Change in use means in a change in part or all of a lot, building or building(s), previously existing or shown on an approved Site Plan from one use category to another. However, within a mixed use or multi-use building or group of buildings on an approved site plan, a change, interior modification or rearrangement of existing or approved uses within such building(s) that do not result in an increase of required parking or loading spaces shall not constitute a change in use.”

SECOND, add a new section 9.4.12 entitled “Modification of Approved Site Plans” as follows:

**9.4.12 Modification of Approved Site Plans.** Proposed changes or modifications to approved Site Plans shall be processed for review and approval pursuant to the following procedures:

- a. Minor Change Review. An applicant may apply for approval of one or more minor changes to an approved site plan as set forth herein. The scope of permissible Minor Changes shall include, but not be limited to, relocation of utilities, minor alterations of building orientation, minor adjustments in parking, landscaping or other site features or details. Minor Changes shall not include any increase in the overall amount of approved square footage of approved structures, reduction of total percentage of open space on a lot, nor removal or reduction in width of an internal ways intended for vehicular circulation, or reduction in the required number of parking or loading spaces.

The applicant shall submit request for Minor Change Review to the Town Planner, in writing, together with redlined plans illustrating the proposed Minor Change, a calculation of overall open space for the site before and after the change (if applicable) and a brief narrative describing the proposed Minor Change. Within 30 days after receipt of a Minor Change request, the Town Planner shall make a written decision

on the Minor Change request. Such decision shall approve the request as submitted, approve the request subject to reasonable conditions, or determine that the request exceeds the scope of Minor Change Review and requires approval by the Planning Board under subsection (b) or (c) below.

If the Town Planner determines that the proposed Minor Change exceeds the scope of Minor Change Review requiring approval by the Planning Board, the Town Planner shall refer the request to the Planning Board and schedule Planning Board action on the request at a regularly scheduled Planning Board meeting not more than 45 days from receipt of the Minor Change Request.

- b. Administrative Change Review. An applicant may submit a request for Administrative Change Review of one or more proposed modifications of an approved Site Plan, either by written request submitted directly to the Planning Board or upon referral to the Board by the Town Planner pursuant to Minor Change Review. The Board may approve proposed changes to approved site plans pursuant to Administrative Change Review provided that the Board determines that the revised plans do not (a) increase the total square feet of approved structures shown on the approved plan; (b) decrease the amount of open space shown on the approved plan; or, (c) constitute a change in use as defined in Section 9.4.1.3.

Application for Administrative Change Review shall be submitted in writing, together with redlined plans illustrating the proposed Minor Change, a calculation of overall open space for the site before and after the change (if applicable) and a brief narrative describing the proposed modifications of structures, uses and other site features. The Planning Board shall take action on the request at a public meeting within 45 days after receipt of a request for Administrative Change Review. The Board shall approve the request as submitted, approve the request subject to reasonable conditions or modifications, or determine that the request exceeds the scope of Administrative Change Review and requires Site Plan Modification. The Planning Board shall issue a written decision within 15 days after the Board action.

- c. Site Plan Modification. In all other cases, changes or modifications to approved Site Plans shall be approved in accordance with procedures applicable to Site Plan Approval provided in Section 9.4.

**Second Motion:** That the Town amend 10.2 of Zoning Bylaw as follows:

**Major Commercial Project:** [Amended 5-7-2005 ATM Art. 15] Any industrial or commercial use which has one or more of the following characteristics, **and is for a use allowed in the district in which it will be located:**

- a. 15,000 square feet or more of gross floor area in any building or combination of buildings;
- b. More than 100 required parking spaces;
- c. Generation of more than 250 vehicle trips per day, as determined by the ITE's Trip Generation Manual.
- d. ~~The use is allowed in the district in which it will be located.~~

(\*\*Note: added words are shown in **bold and underlined**, deleted words are shown in ~~striketrough~~. Only subsections that have proposed changes are included above)

*Selectmen to make recommendation on Town Meeting floor and Planning Board does not recommend*

<b>ARTICLE 35:</b>	<b>Accept Rush Road, Randolph Circle, and Hutchins Way as Public Ways</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town, pursuant to MGL Chapter 82, Section 21, accept the layout of Randolph Circle as shown on a Street Acceptance Plan for Randolph Circle as prepared by LandTech Consultants dated December 19, 2011, as laid out by the Board of Selectmen and to authorize the Board of Selectmen to acquire by eminent domain or otherwise an easement or other interest in said way for all purposes for which public ways may be used by the Town;

*And further*

That the Town, pursuant to MGL Chapter 82, Section 21, accept the layout of Hutchins Way as shown on a Street Acceptance Plan for Hutchins Way as prepared by Rural Land Surveys and dated December 27, 2011, as laid out by the Board of Selectmen and to authorize the Board of Selectmen to acquire by eminent domain or otherwise an easement or other interest in said way for all purposes for which public ways may be used by the Town;

*And further*

That the Town, pursuant to MGL Chapter 82, Section 21, accept the layout of Rush Road as shown on a Street Acceptance Plan for Rush Meadows as prepared by Acton Survey & Engineering and dated December 21, 2011, as laid out by the Board of Selectmen and to authorize the Board of Selectmen to acquire by eminent domain or otherwise an easement or other interest in said way for all purposes for which public ways may be used by the Town.

*Selectmen recommend, Finance Committee recommends and Planning Board recommends*

### **CARE AND CUSTODY OF TOWN LAND**

<b>ARTICLE 36: Transfer Custody of Town Properties from Board of Selectmen to the Board of Water Commissioners</b>	<i>2/3 Majority Vote Required</i>
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**Motion:** That the town pursuant to [Massachusetts General Laws Chapter 40 Section 15A](#) to transfer the care, custody management, and control of the of the following properties, including all works, buildings and other structures located, erected or constructed thereon, from the Board of Selectmen for the purposes for which the properties are now held, to the Board of Water Commissioners for water supply system purposes as set forth in Massachusetts General Laws Chapter 40, Section 39B:

#### **DEPOT STREET WELL SITE**

Map/Parcel: 065 0002 0000  
Street Address: Depot Street  
Title Reference: MNRD Book 1693, Pages 24, 554, and 555

Map/Parcel: 065 0003 0000  
Street Address: Depot Street  
Title Reference: MNRD Book 1693, Page 24

#### **NUTTING ROAD SITE**

Map/Parcel: 068 0001 0000  
Street Address: 17 and 19 Nutting Road  
Title Reference: MNRD Book 1546, Page 42

#### **COUNTRY ROAD #2 SITE**

Map/Parcel: 020 0034 0000  
Street Address: 15 Country Road  
Title Reference: MNRD Book 1678, Pages 590, 591, 592, and 593

Map/Parcel: 020 0090 0000  
Street Address: 14 Country Road

Title Reference: MNRD Book 1614, Page 193

Map/Parcel: 020 0018 0002

Street Address: Country Road

Title Reference: MNRD Book 5446 Page 40

MNRD Book 5103 Page 119

*Selectmen recommend*

<b>ARTICLE 37: Accept Donation of Land Located at 275 Groton Road For General Municipal Purposes</b>	<i>Majority Vote Required</i>
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**Motion:** That the Town accept the parcel land located at 275 Groton Road identified as Parcel 112.1 on Westford Assessors' Map 41 for general municipal use.

*Selectmen recommend and Finance Committee recommends*